

# In the Court of Appeals of the State of Alaska

**Carlton William Donnelly,**  
Appellant,

v.

**State of Alaska,**  
Appellee.

Court of Appeals No. **A-13598**

## **Order**

Date of Order: **November 5, 2021**

Trial Court Case No. **3AN-14-08520CR**

The Public Defender Agency, representing the Appellant, Carlton W. Donnelly, has filed a motion asking this Court allow the Agency to review audio recordings that are sealed under Administrative Rule 37.5(c)(5). These sealed portions of the record contain two *ex parte* proceedings pertaining to Mr. Donnelly's legal representation, and occurred on April 9, 2019 between 9:02:46 – 9:48:07 a.m. and 10:56:46 – 11:08:01 a.m.

Because these two sealed proceedings contain *ex parte* presentations made by Mr. Donnelly, it is proper to allow Mr. Donnelly and his attorney access to these proceedings. Accordingly, **IT IS ORDERED:**

1. The Appellate Court Clerk's Office shall procure audio recordings of the sealed *ex parte* proceedings that took place in the superior court on April 9, 2019 between 9:02:46 – 9:48:07 a.m. and 10:56:46 – 11:08:01 a.m. in *State v. Donnelly*, Trial Court File No. 3AN-14-08520 CR, and the Clerk's Office shall provide these audio recordings to Assistant Public Defender Renee McFarland, the attorney representing Mr. Donnelly.

2. If Ms. McFarland concludes that she needs a transcript of any or all of these audio recordings, she may file an appropriate motion in this Court.

*Donnelly v. State of Alaska* - p. 2  
File No. A-13598  
November 5, 2021

3. The two sealed proceedings, and the sealed log notes pertaining to them, shall remain sealed except to the extent necessary to fulfill the terms of this order.

Entered under the authority of Chief Judge Allard.

Clerk of the Appellate Courts

A handwritten signature in black ink, appearing to read 'Kaitlin D'Eimon', written over a horizontal line.

Kaitlin D'Eimon, Deputy Clerk

cc: ACRO

Distribution:

Email:  
McFarland, Renee, Public Defender  
Wendlandt, Diane L.